REMARKS:

Status Of Claims

Claims 1-20 were previously pending, claims 1, 7, 8, 17, and 18 have been amended. Thus, claims 1-20 are currently pending in the application with claims 1, 17, and 20 being independent.

Office Action

In the office action, the Examiner rejected claims 1-8, 11, 17, and 18 under 35 U.S.C. 103(a) as being unpatentable over an article written by Maier in view of an article written by Campos, or, in the alternative, unpatentable over an article written by Rodriguez in view of an article written by Stockweather. The Examiner also rejected claims 9, 10, 12-16, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over an article written by Maier in view of an article written by Campos, or, in the alternative, unpatentable over an article written by Rodriguez in view of an article written by Stockweather, in further view of Colgan, U.S. Patent No. 5,510,978. Applicant respectfully asserts that the currently pending claims distinguish the present invention from the prior art references of record.

Specifically, claim 1 now recites "receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender" and "selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information provided by the witness and *wherein the authority is automatically selected by the computer system* based on information entered into the incident report by the witness", emphasis added. It should be noted that claim 1 now includes the limitations of claim 7, as originally filed. Thus, claim 1 now requires both that the report be received into the computer system directly from the witness and that the computer system itself decides who is the proper authority to whom the incident report should be sent.

As stated on page 2, lines 12-14, "the invention improves the accuracy of incident reports because it does not rely upon human operators to collect the information". Thus, the present invention seeks to remove sources of human error, such as telephone operators, dispatchers, call-takers, and similar intervening personnel, from the incident reporting process.

Additionally, as stated on page 6, lines 25-30, "[a]fter the witness and the program have entered all possible information into the incident report, the authority to whom the incident report should be sent is selected as depicted in step 112. The authority may be a local police department or prosecutors office, the FBI, CIA or other federal or governmental agency, a consumer group like the Better Business Bureau or any other group or agency that regularly receives such information". Finally, as stated on page 7, lines 2-9, "if the witness does not know who the appropriate authority is, the program may automatically select the authority based on the information entered by the witness. For example, if the incident report involves a traffic violation, the program may automatically send the report to the traffic violations bureau of the local police. Similarly, if the witness requests to send the incident report to a particular authority such as the local police, the program may evaluate the information entered by the witness and determine that the incident report should also be sent to another authority such as the FBI".

Thus, the computer system itself is responsible for "selecting an authority to whom the incident report should be sent", as claimed in claim 1. Furthermore, the authority is chosen at a group or agency level, such as "a local police department or prosecutors office, the FBI, CIA or other federal or governmental agency, a consumer group like the Better Business Bureau or any other group or agency that regularly receives such information", as quoted above. Simply put, a goal of the present invention is to assist when "people do not know who the appropriate authority is or how to contact them and therefore either report the incident to the wrong authority or fail to report the incident at all", as stated on

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page 1, lines 16-18. Clearly, the distinction between possible authorities to be selected is drawn at an agency or group level rather than between individual police officers. As a result, the "authority", as defined in the specification and used in the claims refers to a group or agency, rather than an individual agent representing that agency.

While the above interpretation is defined in the specification and supported by the language of claim 1, claims 7 and 8 have been amended to more explicitly make this distinction. For example, claim 7 now recites "wherein the authority is an agency selected from the group consisting of a local police department, a local prosecutors office, the Federal Bureau of Investigation, the Central Intelligence Agency". Similarly, claim 8 now recites "wherein the authority is a governmental agency rather than an individual agent representing the agency".

In contrast, the Examiner acknowledges that neither Maier nor Rodriguez "discloses selecting an authority to whom the incident report should be sent". However, the Examiner incorrectly asserts that this feature is shown in both Campos and Stockweather. Finally, the Examiner improperly combines the teaches of Maier and Campos, or, in the alternative, Rodriguez and Stockweather.

Campos discloses a system wherein "call-takers enter data on a computer monitor." "Once call-takers enter incident data onto a computer screen, that information ... is then processed by a dispatcher, who quickly decides what type of response is appropriate for the incident." Thus, Campos is highly dependant upon both "call-takers" to intervene between the witness and the computer system and "dispatcher[s]" to select the authority, and therefore teaches away from "receiving into a computer system an incident report directly from a witness" and "wherein the authority is automatically selected by the computer system", as claimed in claim 1. As Campos explicitly teaches away from the claimed limitations, Campos cannot be used to form a proper obviousness rejection.

Obviousness, it will be appreciated, can be a problematic basis for

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rejection because the Examiner, in deciding that a feature is obvious, has benefit of the Applicant's disclosure as a blueprint and guide, whereas one with ordinary skill in the art would have no such guide, in which light even an exceedingly complex solution may seem easy or obvious. Furthermore, once an obviousness rejection has been made, the Applicant is in the exceedingly difficult position of having to prove a negative proposition (i.e., non-obviousness) in order to overcome the rejection. For these reasons, MPEP § 2142 places upon the Examiner the initial burden of establishing a *prima facie* case which requires, among other things, that there be identified some motivation or suggestion in the prior art or in the knowledge of one with ordinary skill to modify the reference or to combine reference teachings. If the Examiner fails to establish the requisite *prima facie* case, the rejection is improper and will be overturned. *In re Rijckaert*, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). Only if the Examiner's burden is met does the burden shift to the applicant to provide evidence to refute the rejection.

The Examiner must satisfy three criteria in order to establish the requisite *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine their teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all the claim limitations. MPEP §706.02(j), citing *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991). Furthermore, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch,* 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992); *see also In re Gordon*, 221 USPQ2d 1125, 1127 (Fed. Cir. 1984). Additionally, "if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP §2143.01.

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Specifically, as stated in MPEP §2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

In meeting this initial burden, the Examiner "cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention" *In re Fine*, 5 USPQ 2d 1596,1600 (Fed. Cir. 1988). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure. *In re Vaeck*, 1442 (Fed. Cir. 1991). Thus, "[m]easuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. *See e.g., W. L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983).

As discussed above, Campos teaches away from the claimed combination, and therefore cannot include the "suggestion to make the claimed combination and the reasonable expectation of success". Furthermore, as the Examiner acknowledged, Maier simply does not disclose "selecting an authority to whom the incident report should be sent", much less "the authority [being] automatically selected by the computer system". Additionally, as discussed above, Campos simply does not disclose "the authority [being] automatically selected by the computer system". Therefore, such a combination, even if proper, would simply not disclose each claimed limitation, as is required of a *prima facie* case of obviousness. Thus, any obviousness rejection based upon a combination of Maier and Campos is improper and must be overturned.

Stockweather is quite a bit more vague, when compared to Campos.

For example, Stockweather discloses a system that will supposedly "dispatch vehicles to the scene of a police, fire or emergency services incident". However, at no point does Stockweather actually explain how dispatching decisions are made. For example, Stockweather discloses a "computer system dispatch monitor [that] shows a map of the city that automatically locates all emergency vehicles. The computer identifies instantly the vehicles closest to the incident and their status. Dispatch instructions are transmitted to ... the dispatched vehicles telling the drivers the exact location, the level of priority and what type of incident requires their response." Thus, Stockweather discloses a system that tracks vehicles and can send dispatch instructions to those vehicles closest to the incident, but does not disclose any method of selecting an appropriate authority, or deciding whether to dispatch police, fire or emergency services.

Therefore, one possible reading of Stockweather suggests a system that does not actually select an authority, as defined in the specification and used in the claims, but rather simply identifies the closest vehicles and dispatches those vehicles to the scene, without regard to whether the incident actually requires police, fire, or emergency services. Presumably, the individuals receiving those dispatch instructions would be able to decide whether they were needed. For example, a fireman receiving a report about a stolen car would be able to decide that the appropriate authority was the police and that he did not need to respond. However, in this reading, the individuals receiving those dispatch instructions are actually selecting the appropriate authority, rather than "the authority [being] automatically selected by the computer system", as claimed in claim 1. Such a system would be very crude, waste valuable time, and cause infinite uncertainly, as each vehicle would have to receive each report concerning their vicinity and then decide for themselves whether or not they should respond. Such a system would certainly result in a giant leap backwards in public safety. As nobody could be sure who was actually responding to each report, such a system could not "greatly [increase] the

responsiveness of police, fire and ambulance services", as is Stockweather's disclosed intended purpose. Thus, this reading of Stockweather would render it "unsatisfactory for its intended purpose", and therefore combining this reading of Stockweather with Rodriguez would be improper.

Reading a bit more refinement into Stockweather is more reasonable. For example, Stockweather discloses that the system "includes ... dispatching workstations [and] dispatcher interface software". Therefore, Stockweather's system must include dispatchers to operate the "dispatching workstations" using the "dispatcher interface software". Again, as Stockweather does not disclose the computer system itself deciding between police, fire, or emergency services, Stockweather's dispatchers must make these decisions. In fact, this is the only reading that is consistent with the entire article, because if Stockweather's system could make these decisions, there would be no need of the "dispatching workstations [and] dispatcher interface software".

In summation, as the Examiner acknowledged, Rodriguez does not disclose "selecting an authority to whom the incident report should be sent", much less "the authority [being] automatically selected by the computer system". Additionally, as discussed above, Stockweather simply does not disclose "the authority [being] automatically selected by the computer system". Therefore, such a combination would simply not disclose each claimed limitation, as is required of a *prima facie* case of obviousness. Thus, any obviousness rejection based upon a combination of Rodriguez and Stockweather is improper and must be overturned. As a result, the prior art made of record simply does not disclose, suggest, or make obvious "receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender" and "selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information provided by the witness and wherein the authority is automatically selected by the computer system based on information entered into

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the incident report by the witness", as claimed in claim 1.

Similarly, claim 17 now recites "receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender" and "selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information entered by the witness and wherein the authority is selected by the computer system based on information entered into the incident report by the witness". It should be noted that claim 17 now includes the limitations of claim 18. Thus, claim 17 now requires both that the report be received into the computer system directly from the witness and that the computer system itself decides who is the proper authority. Furthermore, claim 18 now recites "wherein the authority is a governmental agency rather than an individual agent representing the agency".

In contrast, as discussed above, no combination of Maier, Rodriguez, Campos, or Stockweather discloses or suggests a computer system actually "selecting an authority to whom the incident report should be sent", as claimed in claim 17. As discussed above, Campos clearly teaches dispatchers making such decisions. Similarly, Stockweather also assumes that dispatchers will make such decisions, or there would be no need of the "dispatching workstations [and] dispatcher interface software". Thus, any obviousness rejection based upon a combination of Maier, Rodriguez, Campos, or Stockweather is improper and must be overturned. As a result, the prior art made of record simply does not disclose, suggest, or make obvious "receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender" and "selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information entered by the witness and wherein the authority is selected by the computer system based on information entered into the incident report by the witness", as claimed in claim 17.

Finally, claim 20 recites "receiving into a computer system an incident

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report directly from a witness who observed an incident committed by an offender, wherein the witness does not know to whom the incident report should be sent" and "selecting an authority to whom the incident report should be sent, wherein the authority is selected by the computer system based at least in part on information entered by the witness".

In contrast, as discussed above, no combination of Maier, Rodriguez, Campos, or Stockweather discloses or suggests a computer system actually "selecting an authority to whom the incident report should be sent", as claimed in claim 20. Thus, any obviousness rejection based upon a combination of Maier, Rodriguez, Campos, or Stockweather is improper and must be overturned. As a result, the prior art made of record simply does not disclose, suggest, or make obvious "receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender, wherein the witness does not know to whom the incident report should be sent" and "selecting an authority to whom the incident report should be sent, wherein the authority is selected by the computer system based at least in part on information entered by the witness", as claimed in claim 20.
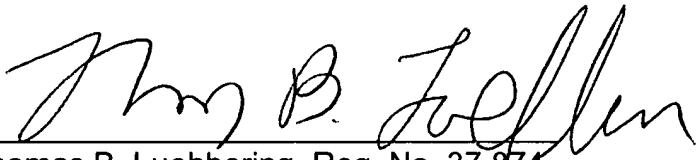
The remaining claims all depend directly or indirectly from independent claim 1 and 17 are therefore also allowable. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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